



Appeal Rights

For information about how
DWD can serve you or your business,
visit the nearest WorkOne Center or visit

www.workforce.IN.gov

General Information

1-888-WORKONE

(317)-232-7560

(TDD)



Department of Workforce Development

Joseph E. Kernan, Governor
Alan D. Degner, Commissioner
10 North Senate Avenue
Indianapolis, IN 46204-2277

This is an equal opportunity program.

Auxiliary aids and services are available upon request to people with disabilities.
For information, contact the EEO at 1-317-232-0603 or 1-317-234-3535 (TDD).

WorkOne

Information about the Unemployment
Insurance appeals process.

Your Appeal Rights

The claimant or interested employer (meaning one whose account may be affected, base period employer and/or employer who has made an offer of work) may file an appeal of eligibility for unemployment benefits. The law provides first for appeals to an Administrative Law Judge (ALJ), and subsequent appeals to the Review Board and to the Indiana Court of Appeals.

This brochure is designed to give you a brief explanation of each party's right to appeal and the appeals process. Its purpose is to provide basic information and should not be considered to have the force or effect of law.

Specific questions about your case should be directed to the Indiana Department of Workforce Development appeals office in Indianapolis or the office of the administrative law judge (ALJ) assigned to hear your appeal.*

This brochure and other information available through this office can assist you in obtaining a fair and timely resolution to your case.

****Note: The law does not permit the Administrative Law Judge to discuss the facts of the case before the hearing occurs. Once the hearing has concluded, the law does not permit the Administrative Law Judge to discuss the facts of the case before the mailing of the decision (See "After the ALJ Hearing" on page 6).***

The Appeal

You will receive a “Determination of Eligibility” through the mail.

How do I Appeal?

1. Complete the “Notice of Appeal” form on the reverse side of the “Determination of Eligibility” (UC-511). (See Fig. 1)
2. File your request within ten (10) days after the mailing date of the “Determination of Eligibility.” This date can be found in the lower left-hand corner of the form.

To file by mail

You must fill out all the information on the “Notice of Appeal” form in order to have a hearing in front of an Administrative Law Judge (ALJ).

1. State the specific reasons you disagree with the decision.
2. Please check the line that applies if you need an interpreter. One will be provided to you without charge.
3. Indicate the location of the work site.
4. Sign your name and check whether you are the claimant or the employer.
5. Mail the appeal to the address on the form within ten (10) days after the mailing date of the “Determination of Eligibility.”

To File in Person

Go to a WorkOne Center within ten (10) days after the mailing date of your “Determination of Eligibility.”

1. Take your “Determination of Eligibility” with you.
2. Tell the local office representative you want to file an appeal.
3. The representative will help you fill out the correct forms.

Note: If you are a claimant, continue filing your vouchers for unemployment benefits for each week you are totally or partially unemployed. If the ALJ decision is in your favor, you will receive benefits only for the weeks for which you have filed.

Scheduling a Hearing

You will be notified by mail when an appeal has been filed. You will also be notified of the date of your appeals hearing.

The ALJ will mail you a “Notice of Hearing” (See Fig. 2) at least ten (10) days before the scheduled hearing date. You will receive an envelope containing the “Notice of Hearing,” “General Instructions,” an “Acknowledgment/Participation” sheet, and a return envelope. Make sure your name and address are correct on the “Notice of Hearing.”

- The hearing notice will have information on the place, date and time of your hearing. The time indicated is the local time of the hearing site. The “Issue” paragraph will have a short statement of the issue(s) and the particular law or regulation involved. This tells you the subject of the hearing. Most hearings concern one of the following:
 - a. Was there good cause in connection with the work (by legal definition) for a voluntary quit?
 - b. Did the employer have just cause (by legal definition) for a discharge (firing)?
 - c. Is the claimant physically and mentally able to work, available for work and actively seeking full-time work?
- Fill out the “Acknowledgment/ Participation” sheet and check off the box that most closely matches your intentions concerning the hearing. Sign this sheet and include your telephone number and FAX number, if any.
- Mail the “Acknowledgement/Participation” sheet back to the ALJ in the enclosed envelope as soon as possible.

Fig. 1

CLAIMANT NAME: 1 -
ACCOUNT NUMBER: 7 -
EMPLOYER NAME: 9 -

SOCIAL SECURITY: 4 -

NOTICE OF APPEAL

TO THE CLAIMANT: If the legal results state your maximum benefits have been suspended or your maximum benefit amount has been reduced, you have the right to appeal this decision. Follow the steps below.

TO THE EMPLOYER: If the Legal Results state no penalty is imposed, you have the right to appeal this decision. Follow the steps below.

If you have any questions concerning this decision, please contact your Local Office.

- APPEAL -

I disagree with the determination and request a hearing before an Administrative Law Judge due to the following reasons.

Fig. 2

STATE OF INDIANA
DEPARTMENT OF WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS

NOTICE OF HEARING

Claimant,

Employer,

Case Number:

Claimant SSN:

Local Office:

BYE:

Appellant:

Appeal Date:

Mail Date:

IN THE MATTER OF:

CONFIDENTIAL RECORD PURSUANT TO IC 22-4-19-6, IC 4-1-6

You are notified of an unemployment insurance hearing. If you are the appealing party and fail to participate in the hearing, the administrative law judge will dismiss your appeal.

Effective law 30 days

Scheduling Conflicts

If you filed the appeal, you must attend the hearing or your appeal will be dismissed. To protect your rights, you should also attend the hearing even if you are not the appealing party. The ALJ must base his/her decision solely on the evidence presented at the hearing. Any documents or statements you have previously given the Department of Workforce Development/WorkOne will not be in the ALJ's file.

If Your Hearing is Dismissed for Failure to Appear

If the hearing is dismissed for failure to appear, an appealing party has seven (7) days from mailing date of dismissal to submit a written request for reinstatement of appeal, and must show good cause for non-attendance at, or lateness to, the hearing. No case shall be reinstated more than once.

Request For Postponement

If you are unable to attend the hearing, write or FAX the ALJ no later than three (3) days before the scheduled date of the hearing to request a postponement (continuance). Either party may request the postponement.

In your letter or FAX, explain the problem and request a new hearing date and time. If possible, list some alternative dates convenient for you. You must state in your letter or FAX that you have sent a copy of your request to the other party. Be sure to keep a copy of your letter or FAX for your records. Your ALJ's name, address and FAX numbers are on the "Notice of Hearing" and also listed at the back of this pamphlet.

Do not assume that the ALJ will automatically grant a postponement. The ALJ will determine if there is good cause to grant the postponement. If you are granted a postponement, a "Notice of Continuance" will be mailed to all parties. If a request is made, and denied, a "Denial Notice" will be mailed to all parties.

If you have not received an answer from the ALJ regarding your request for a postponement, call his/her office before the hearing date.

Prepare for the Hearing

Either party may appear in person with or without representation; or representation may appear on behalf of either party in their absence.

Representation for employers may include an attorney, a recognized public accountant, or a representative of an unemployment compensation service firm. For claimants, representation may include an attorney, recognized public accountant, or an agent of a labor organization.

Note: Anyone appearing on behalf of either party in that party's absence must produce proof in writing signed by the absent party giving the agent or representative authority to appear for and represent that party.

What's the Issue?

Know the issue(s) of your hearing.

The issue determines who has the burden of proving these points:

- a. If it was a voluntary quit issue, the claimant must prove a good, work-related reason for quitting.
- b. If the issue is an employer discharge (firing), the employer must prove there was a just cause for the firing.
- c. If the issue involves the claimants ability or desire to work, he/she must prove he/she is able, available, and actively seeking a job.

Do you need certain witnesses or documents to support your case?

Bring all documents to the hearing that will help you present your case. Make sure you have copies for both parties and the ALJ. Any documents you have previously given the Department of Workforce Development/WorkOne will not be in the ALJ's file. The ALJ will keep these documents in the appeal file. When the case becomes final and there is no possibility of a further appeal, you can make a written request to the Director of Appeals for the return of your documents.

Only witnesses with personal knowledge of the issues should attend the hearing. Anyone who testifies about what someone else said, saw or heard is giving hearsay evidence. This kind of testimony will not generally prove your point and should be avoided.

You have the right to request a subpoena for witnesses or documents. Call the ALJ's office to make your request. Your request must include names and addresses of witnesses. If the ALJ determines the subpoena is necessary, the ALJ will issue the subpoena. The procedure will take about five (5) days.

The Hearing

An Administrative Law Judge (ALJ) will be assigned to conduct your hearing. The appeals hearing is like a trial, but not as formal. Its purpose is to find facts and determine the truth about issues between an employer and a former employee.

How the Hearing Works

The ALJ will tape record the hearing, administer an oath or affirmation to the witnesses and ask questions. The recording, documents and other evidence will be part of the formal record of your hearing.

The ALJ will then question each party. Each party will present its own version of the facts. Offer any evidence that will help your case. Be prepared and organized. Don't interrupt except to object. The judge will give each party the opportunity to ask questions of (cross-examine) the other party. Be prepared to question the witness(es) and present your side of the case.

The ALJ will close the hearing when neither party has any additional evidence or explanations to present. Remember the ALJ is there to protect your rights as well as the rights of others.

After the ALJ Hearing

The ALJ will review all the evidence and issue a decision approximately two (2) weeks after the hearing. The decision will be based solely upon the evidence or statements made at the hearing. The ALJ will not summarize or restate all the evidence presented in the hearing in the written decision. The ALJ will state what evidence he/she has determined supports the legal conclusion of the decision.

The written decision will be mailed to you. The mailing date of the ALJ decision will be clearly indicated on the front of the decision. Note the date.

Fig. 3

DWD Form 651
State Form 1251 (8/25-94)

Indiana Department of Workforce Development
10 N. Senate Avenue, Indianapolis, Indiana 46204
REQUEST FOR APPEAL TO THE REVIEW BOARD
CONFIDENTIAL RECORD
Pursuant to IC-22-4-19-6, IC-4-1-4

RECEIVING OFFICE DATE STAMP

CLAIMANT SOCIAL SECURITY #:	APPEAL FILED BY: <input type="checkbox"/> CLAIMANT <input type="checkbox"/> EMPLOYER
CLAIMANT'S NAME:	APPLICANT CASE NUMBER
ADDRESS: STREET OR R.R.	
CITY/STATE/ZIP CODE	
EMPLOYER ACCOUNT #	CLAIM ID #
EMPLOYER NAME:	LOCAL OFFICE:
ADDRESS: STREET OR R.R.	CLAIM FILED IN:
CITY/STATE/ZIP CODE	ADMINISTRATIVE LAW JUDGE HEARING DATE:
	ADMINISTRATIVE LAW JUDGE DECISION HASLED
IMPORTANT: READ THE INFORMATION AT THE BOTTOM OF THIS PAGE	
POINT(S) IN DISPUTE:	

Filing an Appeal to the Review Board

To file an appeal to the Review Board, take a copy of your appeal decision to a WorkOne Center and request Form 651, "Request for Appeal to Review Board" (See Fig. 3). You must explain on this form why you think the ALJ's decision is wrong. You may mail, FAX, or hand deliver the completed form back to the local office.

Your appeal (Form 651) must be date stamped by the local office within eighteen (18) days after the date of mailing shown on the ALJ's decision. If your appeal to the Review Board is dated after this eighteen-day period, the Review Board cannot consider your appeal and must dismiss the case without further review of the evidence.

If you hand deliver your appeal to the local office, be sure to have it date stamped before you sign it. That date marks the beginning of the eighteen-day appeal period.

If you mail or FAX your appeal, the beginning of the eighteen-day appeal period will begin with the date of postmark on the envelope or the date printed by the FAX machine showing the date the appeal is transmitted.

The Review Board makes the final administrative review of your claim. The Review Board does not hold hearings on every appeal requested. Most cases are decided by reviewing the formal record of the ALJ hearing, the ALJ's decision and pertinent law.

Request to Submit Additional Information

The Review Board may grant a request to submit additional information if that evidence was not available at the time of the ALJ hearing.

To request additional information be considered, you must complete an "Application for Leave to Introduce Additional Evidence" (See Fig. 4). This form is available at your local WorkOne Center, or will be attached to your appeal form (Form 651). Explain why the evidence was not given at the hearing and why it is important to

Fig. 4

INDIANA DEPARTMENT OF WORKFORCE DEVELOPMENT
10 North Senate Avenue
Indianapolis, Indiana 46204
APPLICATION FOR LEAVE TO INTRODUCE ADDITIONAL EVIDENCE
CONFIDENTIAL RECORD PURSUANT TO IC-22-4-19-6, IC-4-1-6

List why the evidence you wish to present to the Review Board was not introduced at the original administrative law judge hearing and summarize the facts which you hope to establish by oral testimony, documents, or both.

your case. Be sure to have your “Application for Leave to Introduce Additional Evidence” date stamped by the local office before you sign it. The date marked is the official receipt date.

Remember, the “Request for Appeal to Review Board” and “Application for Leave to Introduce Additional Evidence” must be dated within eighteen (18) days after the date of the mailing shown on the ALJ’s decision.

The Indiana Court of Appeals

Once the Review Board has rendered a decision on your case, the final opportunity for appeal is to the Indiana Court of Appeals. The Review Board will advise you on how to make such an appeal with the information provided on its decision.

Contact Information

For questions about your ALJ hearing contact the ALJ listed on your “Notice of Hearing” or the Director of Unemployment Insurance Appeals.

Director of UI Appeals

Robert K. Robisch
311 W. Washington St.
Suite 101
Indianapolis, IN 46204-2774
TEL: 317.232.7170
FAX: 317.233.6508

Bloomington

Paul F. DeMoss, ALJ
450 Landmark Avenue
P.O. Box 3000
Bloomington, IN 47402-3000
TEL: 812.331.6009
FAX: 812.331.6010

Evansville

Scott A. Schulz, ALJ
700 East Walnut
Evansville, IN 47713-2561
TEL: 812.424.4473
FAX: 812.421.3189

Fort Wayne

C.M. Franken, ALJ
James M. Martin, ALJ
Ann Schlagenhauf, ALJ
201 East Rudisill Blvd.
Suite 202
Fort Wayne, IN 46806-1756
TEL: 260.745.3555
FAX: 260.745.7757

Indianapolis

Joanne T. Green, ALJ
William C. Haase, ALJ
Joseph L. Kivett, ALJ
John W. Potocky, ALJ
Robert K. Robisch, ALJ
Michael E. White, ALJ
311 West Washington St.
Suite 101
Indianapolis, IN 46204-2774
TEL: 317.232.7170
FAX: 317.233.6508

Lafayette

Michael J. Botkin, ALJ
2301 Concord Road
P.O. Box 5529
Lafayette, IN 47903-5529
TEL: 765.474.5411
FAX: 765.474.7036

Marion

Ann J. Carnes, ALJ
Michael A. Kasrich, ALJ
850 North Miller Avenue
P.O. Box 5005
Marion, IN 46952-5005
TEL: 765.668.8911
FAX: 765.651.6677

New Albany

Theodore B. Werre, ALJ
3310 Grant Line Road
P.O. Box 1287
New Albany, IN 47150-1287
TEL: 812.948.6150
FAX: 812.981.0086

Portage

Constance M. Carter, ALJ
Lisa M. Hancock, ALJ
John E. Meyer, ALJ
6224 Central Avenue
Portage, IN 46368
TEL: 219.762.0431
FAX: 219.763.3061

Richmond

Shane R. Edington, ALJ
3771 South A Street
Richmond, IN 47374-6053
TEL: 765.962.8591
FAX: 765.966.3431

South Bend

Georgia McFarland, ALJ
851 S. Marietta Street
Suite 500
South Bend, IN 46601-3254
TEL: 574.237.9675
FAX: 574.246.1571

Terre Haute

Michael G. Stites, ALJ
State Regional Office Bldg.
30 North Eighth Street
Terre Haute, IN 47807-0617
TEL: 812.234.6602
FAX: 812.232.7644

For questions about your Review Board appeal, contact the UI Review Board.

Unemployment Insurance Review Board
325 West Washington Street
Indianapolis, IN 46204-2774
TEL: 317.232.7719
FAX: 317.233.3348

If the WorkOne location where you filed your appeal does not appear on this list, please refer to your hearing notice. The notice will indicate the ALJ assigned to your case, the telephone number and a FAX number.